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SERMONS OF JAMES FREEMAN CLARKE

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ANARCHY AND LAW

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The Disciples' Pulpit.

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ANARCHY AND LAW.

"Let every soul be subject to the higher powers; for the powers that be are ordained of God. Whosoever therefore resisteth the power resisteth the ordinance of God. . . . Wherefore ye must needs be subject, not only for wrath" (*i.e.*, fear of punishment), "but also for conscience' sake" (from a sense of duty).— ROM. xiii., 1, 2, 5.

"Put them in mind to be subject to rulers and authorities, and to obey magistrates."— TITUS iii., 1.

THE doctrine of anarchy, which has come among us as a foreign product, presents a problem to be studied carefully. This nation has been distinguished for its respect for law. It was formerly said by those who distrusted republican institutions that people would not reverence laws emanating from themselves. The contrary has been the case. The doctrines of anarchy come from countries where the government is in the hands, not of the people, but of privileged classes, who have constructed the laws largely in their own interests. Our people take pride in knowing that the government is the work of their own hands. They feel a satisfaction in the assurance that the laws are for the good of the whole nation; that no one is superior to their power, and no one below their protection. A German traveller in this country, years ago, expressed his surprise and pleasure at seeing on a sign-board the simple words, "Keep to the right, *as the law directs.*" That was enough to insure obedience,— that the law commanded it.

In this country, the people themselves not only make the laws, but virtually enforce them. There is no standing army to maintain the authority of the government. The police are

few compared with those of other countries. The people are on the side of law and order; and the public opinion of society, far more than police or courts or jails, maintains obedience to constitutional authority. We are subject to law, not from fear of punishment, but from a sense of duty. What is it that protects the property of the rich from violence at the hands of the poor? Respect for law, the belief in order; in a word, conscience.

I heard of a singular proof of this in an event which once occurred in St. Louis. A gentleman owned a lot in the city, covered with trees, and surrounded by a common rail fence. One day, he decided on having the trees cut down, and began by removing the fence. The moment this was done, a multitude of people (mostly Germans) rushed into the lot, and began to fell the trees and carry away the wood. The owner and police were unable to prevent it. To arrest a dozen of them had no effect: others immediately took their places. They had the notion that as long as the fence was there they had no right to the wood; but, as soon as the fence was removed, the trees became common property. The feeble fence would not have resisted their assault; but it was the symbol of law, and so it defended the enclosure.

There is a sacredness even in human law, for it represents something divine. In the social sphere, it reflects the great order of creation; the majestic power which holds the planets in their places, by which the most ancient heavens are strong, and which enables us to depend on the fixed order of things around us. We go to sleep at night relying on the sure advent of another day. The stability of things supports us. To the uniformity of natural processes there is no exception. The sun rises, and goes down, and hastens to the place whence he arose. Spring, summer, autumn, winter, go through their appointed rounds. Accident and chance disappear before the advance of science, showing the reign of law to be universal under the

government of God. And in proportion as human laws are founded on the same principles of order, and are for universal good, they partake of the nature of divine law, of which we say, in the words of Hooker, "The seat of law is the bosom of God; her voice, the harmony of the world; all things in heaven and earth do her homage, the very *least* feeling her care, the *greatest* not exempt from her power; all creatures above and below, with uniform consent, admiring her as the mother of their peace and joy."

If respect for law is the basis of order and peace in a community, then whoever teaches disrespect of it is a public enemy. To weaken or to destroy human reverence for law is to resolve society into individual atoms, to peril our whole civilization. Reverence for law, rooted in conscience, is the organizing principle by which men co-operate in business, in society, in life and conduct, and constitute a social unity.

What, then, is the idea which has taken form in anarchy, and in the mind of anarchists? It is, as well as I can learn, this: They assume that men left to themselves will do right; that restraint and force produce all the evil; that, if government came to an end, men would govern themselves; that property is an injustice; that each man should have what he needs, and then there would be enough for all. The anarchist says (I quote from the *Tocsin*, Texas; from *Truth*, San Francisco; from the *Torch*, published in Chicago; and from Most's *Die Freiheit*): "Heaven is a dream, invented by robbers. . . . When the laboring men understand this, they will knock at the door of the wealthy robber, musket in hand, and demand a share of the goods of this life now." "War to the palace." "Arm! the revolution is at hand. Dynamite is only forty cents a pound." "The revolutionist has no personal interests. All is swallowed up by a single passion,— revolution. He knows only one science,— destruction. He despises public opinion. He hates the present social morality. Day and night he cher-

ishes only one thought,— inexorable destruction." "Buy dynamite for another 1877." "Organize and drill for a recurrence of the riots of 1877." "War to the knife." Killing, burning, all means, are justifiable.

Such mad utterances as these find, of course, no echo in our community. Indeed, they have seemed so insane that we have paid little attention to them, till the tragedy occurred, the culmination of which has come this week, and solemnized the nation.

The founder of the doctrines of anarchy was Proudhon. Basing his system on the ideas of justice, liberty, and equality, he maintained that the hour's work of a ploughman should receive the same remuneration as the hour's work of the most skilled laborer. Property he called theft, because it reaps without labor, consumes without producing, and enjoys without exertion. But he differed from the anarchists in declaring that his ideas could only be realized through a long and laborious process of social transformation, and he denounced Saint-Simon and Fourier for thinking that society might be changed at once by any ready-made scheme of reform. This he called the "most accursed lie that could be offered to mankind."

The great apostle of the system of anarchy in its present stage was Michael Bakunin, who descended from the highest Russian aristocracy. He was sent to Siberia, whence he escaped to Switzerland, where he helped to form the International Alliance, and died in 1876. He advocated destructive socialism of the most radical kind, and his system was based on materialism and atheism. He rejected every ideal system and every form of outward authority, including that of universal suffrage. "The liberty of man," he says, "consists solely in this: in obeying the laws of nature, because he has himself recognized them, and not because they have been imposed upon him by any foreign will, human or divine." Natural laws being thus recognized by every man for himself, he cannot but

obey them, for they are the laws of his own nature; and there will be no need of any outward law or government. "In a word," he says, "we object to all legislation, authority, and influence, every privilege, official and legal, even when it has proceeded from universal suffrage; for it must always turn to the profit of a domineering minority." He assumed that, if restraint was taken away, every man would be intelligent enough and have enough self-control to be a law to himself. This, also, is the ideal to which the purest religion and highest philosophy look forward as the aim of man, but not one which can be reached by the wholesale destruction of society, but through a regular and gradual process of evolution. The fatal mistake of the anarchists is to suppose that human perfection can be reached by a negative process of destruction rather than by the positive method of growth. The theories of Bakunin are embodied in the programme of the International Alliance, which demands the abolition of classes and of inherited property; that land, instruments of labor, and all other capital shall be common property,—the complete abolition of classes and entire equality of individuals and sexes. According to Bakunin, these results are to be brought about by merciless and universal destruction; and the revolutionist is a consecrated man, who will allow no private interest or feelings and no scruples of religion, patriotism, or morality to prevent him from overturning the existing society by every available means.

One of the chief founders of modern socialism was Karl Marx, who expounded the theory with much learning and power, and who was an independent thinker of great originality. His chief work was to explain and criticise the power of capital in the appropriation of surplus value, which he maintains to be the product of unpaid labor. That labor should receive this surplus value followed logically from the theory accepted in his day by Ricardo and other economists,—that labor is the source of value. The influence of Marx has been

very great over the social democracy of Germany, which proposes to abolish the system of wage-labor, to make land the common property of society, and to bring about many other changes, such as the abolition of standing armies, universal education, the single progressive income tax instead of indirect taxes, prohibition of Sunday labor and the labor of children, the protection of the life and health of working people by the inspection of mines, factories, and workshops. It will be seen that many of these demands are not only just, but have already been established as law, both in England and America. The fatal mistake, however, which runs through socialism, and which is its fundamental error, is its false view of human nature. It ignores the essential differences among men, assumes an equality which does not exist, derives evil from external sources, wholly overlooks the working of the law of heredity and the law of variety. It does not see that, if you were to equalize all men to-day, as regards property and position, and leave them their liberty, there would soon be the same diversity as that which now exists. The intelligent, industrious, energetic, would go forward; and the ignorant, indolent, and vicious fall behind.

I have always been in favor of abolishing capital punishment, with the condition that the pardoning power of the executive should be also abolished. This pardoning power is an anachronism. It belongs to a past period, when arbitrary punishments were inflicted by rulers, when the laws were cruel and bloody, and when the only mitigation lay in the power of pardon. But now this is all changed. The laws are mild, the accused person has every opportunity for defence. If found guilty, he is pretty sure to be pardoned before his sentence has half expired. A sentence for life, it has been estimated, usually means only six or seven years in prison. One of the best established facts in penal legislation is that crime is prevented not so much by the severity as by the certainty of punishment. But the

hope of a pardon introduces an element of uncertainty into the punishment of crime. When I say further that, in most cases, a pardon does more harm than good, I speak from experience. I have, in former years, gone among the convicts in the State Prison and in the Suffolk jail, and have been several times instrumental in procuring pardons for convicts from different governors of this Commonwealth. I never asked for a pardon until the prison authorities thought it well that it should be given. Yet I believe that, in every instance, I was afterward sorry for having interfered. In most cases, the pardoned culprit committed a new offence, and came back to prison. Moreover, the pardoning power is a burden on the executive, which it ought not to be compelled to carry. It is a perpetual appeal to sympathy as against law. This prerogative should be transferred to the judiciary, to be exercised only according to fixed rules. If this were done, we might dispense with capital punishment, except in two cases,—in putting down an armed insurrection and in quelling an insurrection in prison.

Anarchy is levying war against the people, and is one of the highest crimes which can be committed in a free country. It strikes at the root of social order and social freedom. Anarchists are not punished for their opinions, but only when they carry those opinions into action by committing crime. In Chicago, they murdered or mutilated forty of the police, who were only doing their duty. The men who were sentenced to death proposed these murders, prepared the bombs, fixed the time when they should be used, and exhorted and incited, by violent appeals, to this very crime. By a law of the State of Illinois, the head which devises a murder, and the will which causes others to commit the crime, are considered equally criminal with the hand which finally executes it. And this law is certainly a just one.

The doctrine of the anarchist is that, if the restraints of law were removed, and the right of property abolished, an earthly

Eden would arrive. But, in this country, we have had ample experience to the contrary. On the border of civilization there have been many regions where there was no law, no police, no courts, and no restraint. But life soon became so impossible under these conditions that the very outlaws clamored for law, and improvised some rude form of government. They formed themselves into vigilance committees, as in San Francisco, and drove the ruffians away. They punished a gang of gamblers at Vicksburg. They combined against horse-thieves and mail-robbers elsewhere. In fact, they found that some sort of law and some sort of government were essential to human existence.

One striking illustration of this necessity occurred when the lead mines at Galena, Ill., first went into operation. Galena was full of border ruffians, who, when they had committed a crime, would cross the Mississippi to Dubuque, where they escaped punishment. Dubuque belonged nominally to the Territory of Michigan, but there was no civil authority in the place. At last, the anarchy was so terrrible that the very murderers stood aghast at the outgrowth of their own wickedness. Then they arrested the worst of the criminals, improvised a court, tried him by a jury, convicted, and executed him. Having done this, they wrote to the governor of the Territory, asking him to send them a regular judge, and giving as evidence of their sincere desire to establish law in the place the fact of their having tried and punished this criminal.

Many years ago, I met in Louisville a man just from Arkansas, where he had kept a sort of grocery store on White River. He seemed to me a man of hardened nerves, not easily disturbed by the roughness of frontier life. But he said that the utter absence of law or any restraint was more than he could bear. Arkansas was at that time, fifty years ago, a place for outlaws to congregate. He said they took possession of his store, caroused, fought together, and kept up a perpetual tumult

day and night. At times, when he could bear it no longer, he would take a skiff, row himself up stream into some quiet place, and stay there an hour or two to recover his nervous equilibrium. Though he was making money, he could not endure that sort of life, and came away.

But besides open and avowed anarchy, which defies law, the sanctity of law is secretly attacked by every attempt to corrupt law-makers, to sell offices, to cheat at elections. These are crimes against the national life deserving severe punishment. If it be true, as I suppose it is, that there is a ring in Baltimore which maintains itself in power by manufacturing as many votes as it needs to carry the election, this is hardly a less dangerous crime than that of the Chicago murders. If it be true that in New York candidates for election are obliged to pay enormous sums to irresponsible committees, in order to secure a nomination, this also leads directly to overthrow good government. If it be true that municipal governments in American cities sell their influence to those who wish to obtain some concession or favor, this is a crime against republican institutions. It is the duty of all who can help educate the community to impress on the public mind the grave consequences of such conduct.

Especially is this the duty of Christian ministers and teachers. From the beginning, Christianity taught obedience to law, not merely from fear of punishment, but from a sense of duty. "The powers that be are ordained of God"; that is, not the particular ruler, not the particular dynasty, but law, authority, government. Though persecuted by government, they were still to obey it, except only when this involved disobedience to God. Then they must disobey, and accept the penalty of such disobedience. But neither Christ nor the apostles courted martyrdom. "When they persecute you in one city, flee to another." In all secular and temporal matters, they were to render unto Cæsar the things that were Cæsar's. To maintain and support law and order has been ever the teaching and the practice of the Christian Church.

I do not believe that there is any part of the world where law is more respected than in the United States. Anarchy is an importation, mostly from Germany, and seems largely to be the result of the imperialism and rule of force which has the ascendency in that country. But here law is from the people, is for the good of the people, and is administered by the people themselves. It does not represent an aristocratic rule or a church authority. The heart of the whole people beats in every pulse of law. It binds together each community in a stable order. It substitutes peace for war, harmony for blind will. Thus it is a sort of religion, perpetually manifesting, however imperfectly, the great order of the universe. It gives a sense of responsibility to power: it carries conscience into the courts of judicature. It causes judges and magistrates to be trusted as the guardians of the community. Its tribunals are not invaded by party politics, which go everywhere else, but are arrested on the threshold of the house of law.

Undoubtedly, human law is imperfect. It must always be only an attempt, but it is an attempt to organize here below the eternal principles of right which rule above. Occasions come when human law must be disobeyed, in obedience to a higher law. This is recognized by jurists themselves, among others Blackstone. But such cases are rare. The only instance which has occurred in my time was that of the Fugitive Slave Law, which "commanded" "all good citizens to aid and assist in the prompt and efficient execution of this law," and which punished with heavy fines any aid given to a fugitive in his escape from slavery. The best men in our community refused from conscience to obey this inhuman legislation. Fugitives were secreted in the houses of the very officers appointed to execute this law, and I happen to know a systematic plan was arranged for seizing and carrying out of this State any slaveholder who came here to seize his slave. On the day of the rendition of Anthony Burns, angry crowds filled the streets,

the lawyers' offices on Court Street were draped in black, and a forcible rescue seemed imminent. Another fugitive, Shadrach, was actually rescued by a body of men, who broke into the court-house and took him away. Thus a bad law produces disobedience to law, and weakens the law-abiding spirit in the community.

But we must carefully distinguish between a law which commands us to do wrong or forbids our doing right from one which only interferes with our own private beliefs and personal interests. It is only too easy to substitute will for conscience and maintain that a law is tyrannical, and therefore may be disobeyed, when all we mean is that it is oppressive and injurious to ourselves. Thus the saloon-keepers are disposed to treat the prohibitory laws as unjust, and combine to oppose them, because they are an injury to their trade. One has a right to argue that prohibition is unwise and inexpedient, but it certainly comes within the province of legislative authority. If the State may prohibit lotteries and close gambling-houses, still more has it the right to forbid a traffic which brings a thousand times more evil to society. If such a law can be enforced, it may properly be enacted; but, where experience shows that it cannot be carried out, its passage tends to weaken the authority of law. This is the difference between moral law and State legislation. The moral law is absolute and uncompromising: it is the same whether men hear or whether they forbear. But legal enactments must consider circumstances. When Solon was asked whether he had given the best possible laws to the Athenians, he answered, "No; but the best that they are capable of receiving." The same reason is given by Jesus to explain the imperfection of one of the laws of Moses: "Moses, for the hardness of your hearts, suffered you to put away your wives." Bend the bow too much, and it breaks. Principles are eternal, but rules and methods are temporary and changeable. When we give the name of principles to our particular methods, we

are anchoring our vessel to a drifting raft. This distinction is important, as to overlook it is often the source of fanaticism. These poor anarchists in Chicago are an illustration of this error. They sanctified their belief that society must be overturned by force by calling it a principle of justice. They were genuine fanatics, ready to die for what they blindly assumed to be the cause of the people. They made a duty of crime. Their calmness in the presence of death and their whole conduct show that they were sincere fanatics, moved by a sort of blind conscience.

The best way to prevent anarchy is to have a rational religion. If we teach a God who is arbitrary, partial, vindictive, who acts not according to unchanging law, but by arbitrary will, we exalt force and dethrone goodness. When we believe in God as unchanging goodness, as impartial justice, as absolute reason, as infinite love, as the life in all nature, as the inspiration of every human soul, we make this life and the next a heaven of divine peace. We lift ourselves and others above envy, hatred, and all uncharitableness. Then the rich will not neglect the rights of the poor, nor the poor envy the position of the rich. We shall then see that we are all members of one body, and that, when one member suffers, all suffer. Then will come in more and more the sense of the brotherhood of man, the end of class distinctions, the union of all for the good of each, and the devotion of each to the good of all. Then human law will be pervaded with love, sanctified by faith, and made glad by an immortal hope; and we shall know that

> "All are needed by each one;
> Nothing is fair or good alone."

Finally, let us remember how much we owe to the law; and let us feel it a personal duty to maintain and defend it. This we shall do by taking an interest in public questions; by giving our vote and influence to the best measures and the best candi-

dates; by devoting time and thought to politics in the best sense; by joining men of all parties in making the public service clean and pure; by abstaining from narrow partisanship; by recognizing it as a sacred duty to aid in opposing machine politics and in purifying the State from corruption. This is the lesson taught to the nation by the tragedy which has concentrated its attention on the question of anarchy and law. If this lesson is duly pondered, the tragedy will not have been in vain.

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